

Date July 29, 2010

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Re
Applicant : Patrick Miles et al. Art Unit : 3733
Serial No. : 10/789,797 Examiner : Ellen C. Hammond
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Message The Applicant thanks Examiner Hammond for agreeing to a telephone interview on Thursday July 29, at 12:30 PM Eastern time. A proposed amendment to independent claims 1 and 20 is attached hereto. Please note that this interview agenda replaces the previous agenda sent on July 23, 2010. During the interview, Applicant intends to discuss:

- the rejection of claim 2 based on Maeda in view of Underwood (Office Action at pp. 9-10);
- the rejection of dependent claim 3 based upon the Bester reference (Office Action at p. 6);
- the proposed amendments to claims 1 and 20 that distinguish the prior art of record (see below).

Respectfully submitted,



Date: July 29, 2010

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PROPOSED AMENDMENT

1. (Currently Amended) A system for accessing a surgical target site, comprising:

a dilator system comprising a plurality of sequential dilators deliverable along a lateral, trans-psoas path to a targeted spinal site to create a distraction corridor;

a handle assembly including a first pivotal arm member, a second pivotal arm member that pivots relative ~~hingedly attached to~~ said first arm member in response to manual adjustment of a component of the handle assembly, and a translating member adapted to move longitudinally relative said first and second arm members;

a first retractor blade having a generally concave inner-facing surface and being rigidly coupled to said first pivotal arm member prior to introduction ~~into said surgical target toward the targeted spinal~~ site, a second retractor blade having a generally concave inner-facing surface and being rigidly coupled to said second pivotal arm member prior to introduction ~~into said surgical target toward the targeted spinal~~ site, and a third retractor blade rigidly coupled to said translating member prior to introduction ~~into said surgical target toward the targeted spinal~~ site;

an intradiscal shim element that releasably mounts to the third retractor blade such that a maximum length of the intradiscal shim element extends generally parallel to a maximum length of the third retractor blade and a distal tip portion of the intradiscal shim element extends distally of the distal end of the third retractor blade, wherein the intradiscal shim element engages with a groove defined by the third retractor blade to penetrate into a spinal disc at the targeted spinal site when the intradiscal shim element is releasably mounted to the third retractor blade; and

said handle being configured to simultaneously introduce said first, second and third retractor blades along the lateral, trans-psoas path toward the targeted spinal site ~~to said surgical target site~~ in a closed position while the generally concave inner-facing surfaces of said first and second retractor blades engage with an outermost dilator of the dilator system and thereafter opened by manually squeezing pivoting said first and second pivotal arm members relative to one another to create an operative corridor to said surgical target site.

20. (Currently Amended) A surgical retractor system for accessing a surgical target site, comprising:

a handle assembly including first and second hinged arm members and a translating member adapted to move longitudinally relative said first and second arm members;

a first retractor blade coupled to said first arm member prior to introduction into ~~said surgical~~ a targeted spinal site and having a length sufficient to extend laterally to the targeted spinal site, a second retractor blade coupled to said second arm member prior to introduction into ~~said surgical~~ the targeted spinal site and having a length sufficient to extend laterally to the targeted spinal site, and a third retractor blade coupled to said translating member prior to introduction into ~~said surgical~~ the targeted spinal site and having a length sufficient to extend laterally to the targeted spinal site, said first, second, and third retractor blades defining a corridor extending from a proximal end of each retractor blade to a distal end of each retractor blade and between said retractor blades;

an intradiscal shim element that releasably mounts to a groove formed in the third retractor blade such that a distal tip portion of the intradiscal shim element extends distally of the distal end of the third retractor blade and penetrates into a spinal disc at the targeted spinal site when the intradiscal shim element is releasably mounted to the third retractor blade;

a first retractor extender element that releasably mounts to the first retractor blade such that a maximum length of the first retractor extender element extends generally parallel to a maximum length of the first retractor blade and a distal tip portion of the first retractor extender element extends distally of the distal end of the first retractor blade; and

said handle being operable to pivot said first arm and said second arm and translate said translating member in a linear path relative said first and second arm members, thereby increasing the size of the corridor between said retractor blades to provide access ~~said surgical~~ the targeted spinal site.